

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GENE HOWARD,

Defendant.

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8:14CR16

ORDER

This matter is before the court on the motion for an extension of time by defendant Gene Howard (Howard) (Filing No. 16). Howard seeks to file pretrial motions out of time on or before May 16, 2014. Howard's counsel represents that Howard will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. The motion will be granted.

The order scheduling trial of this matter will remain in effect. Should Howard file any pretrial motions, the trial date will be rescheduled.

IT IS ORDERED:

Defendant Howard's motion for an extension of time (Filing No. 16) is granted. Howard is given until **on or before May 16, 2014**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between May 10, 2014, and May 16, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 12th day of May, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge